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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARMANDO CHRISTOPHER TABAREZ,

Defendant.

CASE NO. 2:21-CR-211-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: November 8, 2022
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 8, 2022.
2. By this stipulation, defendant now moves to continue the status conference until January 31, 2023, and to exclude time between November 8, 2022, and January 31, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 400 pages of investigative reports, photographs, and other documents and materials. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desires additional time to review the discovery, conduct factual investigation, review the charges and potential defenses and resolutions, confer with their client, and otherwise prepare for trial.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 8, 2022 to January 31, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 2, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

1 Dated: November 2, 2022

/s/ Megan Virga

Megan Virga

Ronald Peters

Counsel for Defendant

ARMANDO CHRISTOPHER

TABAREZ

6 **ORDER**

7 Pursuant to the stipulation of the parties, the status conference previously scheduled for
8 November 8, 2022, is continued to January 31, 2023, at 9:30 a.m. and time is excluded through January
9 31, 2023, under Local Code T4. However, no further continuances of the status conference in this case
10 will be granted absent a compelling showing of good cause.

11 IT IS SO ORDERED.

12 Dated: November 3, 2022

13 Dale A. Dwyer
UNITED STATES DISTRICT JUDGE